



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Education Appeals Committee

A Meeting of the of the Education Appeals Committee of North Ayrshire Council will be held in via Microsoft Teams, on **2 August 2021** at 14:00 to consider the undernoted business.

1. Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the agenda.

2. Minutes

The accuracy of the Minutes of the meeting of the Education Appeals Committee held on 6 September 2019 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

Exempt Information

3. Exclusion of the Public

Resolve in terms of Section 50(A)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following item of business on the grounds indicated in terms of Paragraph 5 of Part 1 of Schedule 7A of the Act.

Non Disclosure of Information

In terms of Standing Order 19 (Disclosure of Information), the information contained within the following report is confidential information within the meaning of Section 50A of the 1973 Act and shall not be disclosed to any person by any Member or Officer.

4. Appeal Against Exclusion

Submit a report by the Chief Executive on the background to an appeal against exclusion (copy enclosed).

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Ian Clarkson	(Chair)
Karen Wallace	(Lay Representative)
Val Gibson	(Lay Representative)

Chair:

Apologies:

Attending:

Education Appeal Committee
6 September 2019

IRVINE, 6 September 2019 - At a Meeting of the Education Appeal Committee at 2.20 p.m.

Present

Ian Clarkson (North Ayrshire Council); and Karen Wallace and Val Gibson (Lay Members).

In Attendance

P. Gosnay and F. Hopkins, Senior Managers and D. Faulds, Head Teacher (Education); and N. Shearer, Clerk to the Education Appeal Committee.

Also in Attendance

Appellant and her representatives.

Chair

Councillor Clarkson in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the meeting of the Committee held on 30 November 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Exclusion of the Public and Press

The Committee resolved, in terms of Section 50(a)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting, the press and the public for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 7A of the Act.

4. Appeal Against the Education Authority's Decision to Exclude a Pupil from School

Submitted report by the Chief Executive on an appeal against the Education Authority's decision to exclude a pupil from school.

The appellant, having been invited to attend, was present and accompanied by a friend and an advocate for her child. Two Senior Managers and a Head Teacher (Education) were also in attendance.

Those present were introduced and their role in the proceedings explained. The Chair then outlined the procedure to be followed by the Committee and advised on how the decision of the Committee would be intimated to the appellant and the Education Authority, before inviting the Education representatives to make their case. The appellant and her representatives and Committee Members were afforded the opportunity to question the Education representative.

The appellant and her representatives were then invited to present their case. The Education representatives and Committee Members then had an opportunity to question the appellant and her representatives.

The Education representatives and the appellant and her representatives summed up their cases. Thereafter, both parties withdrew to allow the Committee to deliberate.

Decision

The Committee agreed to (a) uphold the appeal; and (b) annul the Education Authority's decision to exclude the pupil from school on the occasions referred to within the appellant's submission.

The reason and the material considerations for the decision were that the Appeal Committee considered that discussion and review, in a constructive and supportive manner, would have been preferable to exclusion in the particular circumstances of the case, so that the school and the pupil and parent could work together to maintain positive behaviour and safety in school. These exclusions would therefore be removed from the pupil's records.

The Appeal Committee also had regard to North Ayrshire Council's Standard Circular A8 Exclusion from School (August 2017) in its consideration of the written and verbal facts and circumstances surrounding the case.

The meeting ended at 5.25 p.m.